

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**

ORD2019-024

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5
6 **AN ORDINANCE AMENDING TITLE 1, CHAPTER 4, ELECTIONS OF THE CITY OF**
7 **SOUTH FULTON CODE OF ORDINANCES AND FOR OTHER PURPOSES.**

8 **(Sponsored by Councilperson Rowell)**
9

10 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
11 organized and existing under the laws of the State of Georgia;

12
13 **WHEREAS**, the duly elected governing authority of the City, is the Mayor and
14 Council thereof ("City Council");

15 **WHEREAS**, the City Council is authorized by Art. IX, § II, ¶ II of the Georgia
16 Constitution and O.C.G.A. § 21-2-131 et seq., to enact ordinances pertaining to the
17 holding of elections of public officials of the municipality;

18 **WHEREAS**, the Georgia Election Code, as now or hereafter amended (O.C.G.A.
19 § 21-2-1 et seq.), governs municipal and state elections;

20 **WHEREAS**, the City Council desires to conduct its elections openly and fairly for
21 all duly qualified and registered electors of the City of South Fulton, Georgia;

22 **WHEREAS**, this Ordinance updating and amending the City Elections Code is in
23 the best interests of the health and general welfare of the City, its residents and general
24 public.
25

26 **NOW THEREFORE, THE COUNCIL OF THE CITY OF SOUTH FULTON**
27 **HEREBY ORDAINS** as follows:

28
29 **Section 1.** Title 1, Administration, Chapter 4, Elections, is hereby deleted in its
30 entirety and replaced to read as follows:
31

32 **CHAPTER 4. - ELECTIONS**

33 **Sec. 1-4001. - Election defined.**

34 For the purpose of this chapter, an election is defined to mean any state, county, city or
35 federal election, whether such election be a general, primary, special or referendum on
36 any subject submitted to the citizens for vote.

37
38 **Sec. 1-4002. - Elections for office of mayor or councilperson; requirement—**
39 **Official ballot; duty of city clerk.**

- (a) All persons who desire to seek election to the office of mayor or councilperson of the city shall file notice of candidacy as provided in O.C.G.A. § 21-2-132, as amended; the notice shall be in the form of a written statement of intention and shall be filed with the city election superintendent; the statement shall state the full and complete name of the candidate and the street number address of his or her residence in the city; provided the person may choose to campaign under a name other than his or her full and complete name, but which campaign name shall contain a combination of the names and/or initials of his or her given name, and may use or designate any nickname by which the person is commonly known; the statement of intention shall also request the election superintendent to have their respective names as candidates for the offices they respectively seek to fill to be printed upon the official election ballot to be used in the general city elections for mayor or councilperson, and any run-off election if same be applicable. All such persons shall accompany his or her notice of candidacy with an affidavit in the general format as promulgated by the election superintendent and in compliance with O.C.G.A. § 21-2-132(e), as amended. Any person desiring to qualify for election to the office of city councilperson shall, in the notice of candidacy and the accompanying affidavit, shall state the post number and ward.
- (b) The mayor and council, shall, by resolution; set the actual opening and closing qualifying dates pursuant to this section.
- (c) The city clerk shall be designated as the municipal election superintendent with all rights, powers and duties as provided by the Georgia Election Code, as now or hereafter amended (O.C.G.A. § 21-2-1 et seq.) and shall conduct all elections of the city in accordance with the Georgia Election Code, as now or hereafter amended.

Sec. 1-4003. - Same—Qualification fee.

- (a) The qualification period for a city general or special election shall be as provided in O.C.G.A. § 21-2-132. General election and special election shall be as defined by the Georgia Election Code O.C.G.A. § 21-2-1 et seq.
- (b) Qualification fees shall be fixed as provided in O.C.G.A. § 21-2-131 and shall be published not later than February 1 of any year in which a general primary, nonpartisan election, or general election is to be held, and at least 35 days prior to the special primary or election. The fee shall be three percent (3%) of the total gross salary of the office (i.e. mayor or councilperson) paid in the preceding calendar year, including all supplements authorized by law.
- (c) Specific dates for qualification and the amount of qualification fees, shall be adopted by resolution and shall be published in the city's official legal organs, as provided in O.C.G.A. § 21-2-131.
- (d) The City of South Fulton municipal elections are non-partisan, therefore any candidate qualifying will remit their qualifying fee to the election superintendent who shall retain the entire amount of the fees to be applied toward the cost of holding the election.

Sec. 1-4004. - Special elections; registration list.

(a) Special elections, other than elections to fill a vacancy, shall be governed, as to registrations for same, by the charter provisions or ordinance under which the election is called.

(b) When special elections shall be called for the purpose of filling any vacancy on the city council or in the office of the mayor, the city clerk shall obtain from Fulton County an up-to-date registration list.

Sec. 1-4005. - Solicitation, etc.—Within 200 feet of polling place.

It shall be unlawful for any person, verbally, by written or printed means or by cards, literature or other advertisement, to solicit any person or attempt in any manner to influence the vote of any person within a distance of 200 feet of a polling place when an election is being held within the city.

Sec. 1-4006. - Same—By election officials.

It shall be unlawful for any manager or clerk of any primary or general election in the city to solicit, counsel or advise any person to vote for any candidate. This section shall not be construed to make it unlawful for an election manager publicly to explain any other question a voter may ask in order to enable the voter to mark his ballot intelligently.

Sec. 1-4007. - Voting precincts.

Voting precincts shall be established, with a minimum of one such precinct in each ward, by the city elections superintendent in conjunction with the county elections superintendent to facilitate voting by the citizens of the city. The precincts polling places and maps showing precinct boundary lines within the City of South Fulton shall be designated, changed or created in accordance with the Georgia Elections Code.

Sec. 1-4008. - Persons taking oath to be registered.

The city registrar shall receive registrations of all persons who take the prescribed oath of a voter.

Sec. 1-4009. - Forms of oath.

The oath to be required of all persons registering their names for elections shall be on forms furnished by Fulton County.

Sec. 1-4010. - Registration office hours designated.

119 The registration office of the city shall always be opened to registration during
120 normal business hours of the city.

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122 **Sec. 1-4011. - Registrar designated; duty to register qualified voters.**

123 The city clerk or his authorized representative shall act as chief registrar for the city,
124 and it shall be the duty of the clerk or his authorized representative to register the
125 qualified voters of the city.

126
127 **Sec. 1-4012. - Procedure when voter moves from one ward to another.**

128 Whenever a registered voter shall move from one ward of the city to another ward,
129 he shall request the city clerk in writing to change his address and registration to the
130 ward of his new residence; every qualified and registered voter shall be entitled to vote
131 in one of the wards and shall not be refused the right to vote for failure to change or
132 cause to be changed the address of his residence.

133
134 **Sec. 1-4013. - Reinstatement of persons erroneously removed from registration**
135 **list.**

136 When it shall be made to appear sufficient to the city registrar that the name of any
137 voter has been erroneously removed from the city registration list, or through error has
138 been omitted therefrom, where the voter in no wise contributes to the error but same is
139 an error solely of the registrar or of the county registrar, the city registrar shall be and is
140 hereby authorized to reinstate such name and the person shall be eligible to vote in any
141 election wherein he would have been eligible had it not been for such error.

142
143 **Section 1-4014. – Contesting Election Results.**

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145 Procedures for hearings on petitions to contest election results and appeals
146 relating thereto are governed by O.C.G.A. §§ 21-2-520 to 21-2-529 and any other
147 applicable state law.
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149 **Sec. 1-4015. – Initiative, Referendum and Recall.**

150 Initiatives, referendums and recalls shall be facilitated in accordance with the
151 State Election Code.

152 **Sec. 1-4016. - Disposition of unused ballots.**

153 Ballots not used in an election shall be returned to the city clerk by the election
154 managers when the election polls close on the date of the election for which the ballots
155 were prepared.
156

Sec. 1-4017. - Form for special elections.

The form of ballot to be used in special elections shall be the same as in general elections, except it shall state that it is a special election instead of a general election; and except that when the special election is for the purpose of submitting to the qualified voters some question other than the election of candidates for office, the ballot shall so state, and appropriate directions shall be printed thereon to enable voter to intelligently mark his ballot.

Section 2. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.


Section 3. All Ordinance and Resolutions in conflict herewith are hereby expressly repealed.

Section 4. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

Section 5. The effective date of this Ordinance shall be on the date as set forth under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state and/or federal law.

THIS ORDINANCE so adopted this 10th day of September 2019.

CITY OF SOUTH FULTON, GEORGIA

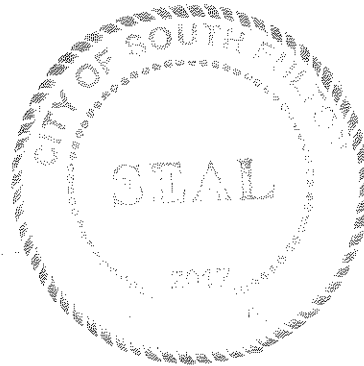

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:


S. DIANE WHITE, CITY CLERK

APPROVED AS TO FORM:


EMILIA C. WALKER, CITY ATTORNEY



243 The foregoing Ordinance No. 2019-024 was moved for approval by Councilmember
244 Rowell. The motion was seconded by Councilmember Gumbs, and being put to a
245 vote, the result was as follows:

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250 William "Bill" Edwards, Mayor
251 Mark Baker, Mayor Pro Tem
252 Catherine Foster Rowell
253 Carmalitha Lizandra Gumbs
254 Helen Zenobia Willis
255 Gertrude Naeema Gilyard
256 Rosie Jackson
257 khalid kamau

258
259

AYE

NAY

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